

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 05-30020-MAP |
| |) | |
| EDDIE SANTIAGO |) | |

ASSENTED-TO MOTION TO
CONTINUE STATUS CONFERENCE

Defendant moves that this Court continue the Final Status Conference, presently scheduled for December 16, 2005, to December 21, 2005 or as soon thereafter as is convenient to the Court. As reasons therefore, defendant states the following:

1. The Court appointed the Federal Defender Office to represent the defendant on October 3, 2005 after the defendant's prior attorney withdrew. The case was assigned to the undersigned that same day.
2. Counsel has reviewed the discovery provided by the government and the defendant's previous attorney.
3. At the last status conference held on November 22, 2005, the parties reported that some discovery matters might be in dispute and that the defendant would likely be seeking, by letter and motion if necessary, specific items. The Court set December 16, 2005 as a status date at which it could resolve any remaining issues.
4. That same day, counsel traveled to the Hampden County Jail to meet with the defendant. The defendant, however,

informed counsel that he had retained an attorney who, according to the defendant, would be filing an appearance imminently. As a result of the defendant's representations, counsel did not continue to discuss the substance of the case with the defendant.

5. Counsel contacted the attorney named by the defendant. That attorney confirmed knowledge of the defendant and the case but also related that he had not yet committed to taking the case. Since that day, the undersigned has spoken with the attorney from time to time; that attorney is still undecided about whether he will take the case but most recently has promised that he will make a decision by December 16, 2005 and contact the undersigned immediately.
7. Undersigned counsel has been hesitant to take steps on the defendant's behalf given that the defendant related in certain terms his certainty that he would be represented by retained counsel.
8. Counsel is therefore requesting a brief continuance so that the issue of counsel may be resolved and the parties may make a reliable report to the Court concerning the status of discovery and of the case.
9. The government assents to this motion.
10. The Court has previously excluded the time up to December 16, 2005 from operation of the Speedy Trial Act. The

parties agree that the period commencing December 16, 2005 through December 21, 2005 is excludable from calculations under the Speedy Trial Act in the interests of justice.

Assented to:

MICHAEL SULLIVAN
UNITED STATES ATTORNEY

Respectfully submitted,

EDDIE SANTIAGO
By His Attorney,

/s/ Timothy Watkins o/b/o
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